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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 LOUIS STANBACK,

11 Plaintiff,

12 v.

13 JOHN McNEISH, *et al.*,

14 Defendants.

Case No. C06-5573RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION
AND DISMISSING THE
COMPLAINT AS FRIVOLOUS
PURSUANT TO 28 U.S.C. §
1915

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17 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
18 Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find
19 and ORDER:

- 20 (1) The Court adopts the Report and Recommendation;
- 21 (2) Plaintiff's complaint is DISMISSED;
- 22 (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count
23 this as a dismissal under **28 U.S.C. § 1915(g)**; and
- 24 (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
25 Arnold.

26 DATED this 13th day of December, 2006.

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28 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE